

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Final**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:030**

**Permittee Name:** Marathon Petroleum Company LLC  
**Mailing Address:** 539 S. Main Street, Findlay, OH 45840

**Source Name:** Marathon Petroleum Company LLC,  
Covington Terminal  
**Mailing Address:** 230 East 33<sup>rd</sup> Street, Covington, KY 41015

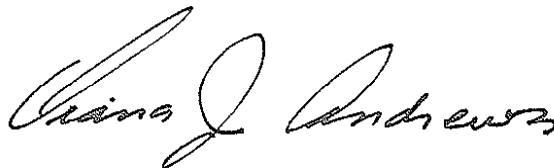
**Source Location:** 230 East 33rd Street, Covington, KY 41015

**Permit Number:** F-06-020  
**Source A. I. #:** 2479  
**Activity #:** APE20050004  
**Review Type:** Conditional Major Operating  
**Source ID #:** 21-117-00022

**Regional Office:** Florence Regional Office  
8020 Veterans Memorial Drive, Suite 110  
Florence, KY 41042  
(859) 525-4923

**County:** Kenton

**Application**  
**Complete Date:** May 22, 2006  
**Issuance Date:** September 18, 2006  
**Revision Date:**  
**Expiration Date:** September 18, 2011



---

**John S. Lyons, Director  
Division for Air Quality**

## TABLE OF CONTENTS

SECTION	ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	Initial	1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	Initial	2
C. INSIGNIFICANT ACTIVITIES	Initial	22
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	Initial	24
E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	Initial	25
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	Initial	26
G. GENERAL PROVISIONS	Initial	29
H. ALTERNATE OPERATING SCENARIOS	Initial	35
I. COMPLIANCE SCHEDULE	Initial	35

Rev #	Permit type	AI#	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	2479	5/22/06		Conditional major operating The addition of alternate control devices

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS****Loading Racks:**

<b><u>EMISSION POINT</u></b>	<b><u>PROCESS UNIT</u></b>	<b><u>NAME AND DESCRIPTION</u></b>
<b>013</b>		<b>#1 Tank Truck Loading Rack (North Rack)</b>  Description: Two bay loading rack, bottom loading Capacity: One truck per 15 minutes (each bay, approximate) Commenced: 1976, modified 2005
	<b>01</b>	<b>Gasoline Loading</b> Controls: Primary – Vapor recovery unit (carbon adsorption) Backup – Portable vapor destruction unit (thermal oxidizer)
	<b>02</b>	<b>Distillate / Kerosene / Diesel Loading</b> Controls: Primary – Vapor recovery unit (carbon adsorption) Backup – Portable vapor destruction unit (thermal oxidizer)
	<b>03</b>	<b>Truck Loading Fugitives</b> Controls: None

**APPLICABLE REGULATIONS:**

40 CFR 60 Subpart XX, *Standards of Performance for Bulk Gasoline Terminals*, applies to the gasoline loading operations to gasoline tank trucks only. It does not apply to loading other (non-gasoline) products.

**REGULATIONS NOT APPLICABLE:**

401 KAR 59:101, *New bulk gasoline plants*, and 401 KAR 61:056, *Existing bulk gasoline plants*. These rules apply to facilities that use tank trucks, trailers, or other mobile non-marine vessels for both incoming and outgoing gasoline transfers. The Covington terminal receives its gasoline supply by pipeline. Therefore, these rules do not apply. (Note that occasionally a tank truck loaded with gasoline or other product at the terminal is returned to the terminal for off-loading, but pipeline is the sole source of the terminal's gasoline supply).

401 KAR 61:055, *Existing loading facilities at bulk gasoline terminals*. This rule does not apply since the gasoline loading rack (North #1 Rack) was commenced after June 29, 1979. Instead, the North #1 Rack is subject to 40 CFR 60 Subpart XX.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

40 CFR 63 Subpart R, *National Emission Standards for Gasoline Distribution Facilities*. Per Section 63.420(a)(2) of the rule, the regulation applies only to facilities that are part of a major source of HAP emissions. The terminal is a minor HAP source, since maximum HAP emissions are significantly less than 22.5 ton/yr total HAP and 9 ton/yr individual HAP. Therefore, the rule does not apply.

**1. Operating Limitations:**

- a. Each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading. [40 CFR 60.502(a)]
- b. Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack. [40 CFR 60.502(d)]
- c. Loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures: [40 CFR 60.502(e)]
  - (1) The owner or operator shall obtain the vapor tightness documentation described in 40 CFR 60.505(b) for each gasoline tank truck which is to be loaded at the affected facility.
  - (2) The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.
  - (3)
    - (i) The owner or operator shall cross-check each tank identification number obtained in Subsection 1.c (2) with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless either of the following conditions is maintained:
      - (A) If less than an average of one gasoline tank truck per month over the last 26 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed each quarter; or
      - (B) If less than an average of one gasoline tank truck per month over the last 52 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed semiannually.
    - (ii) If either the quarterly or semiannual cross-check provided in Subsection 1.c (3)(i) (A) through (B) of this section reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- (4) The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tank truck loaded at the affected facility within 1 week of the documentation cross-check in Subsection 1.c (3) of this section.
  - (5) The terminal owner or operator shall take steps assuring that the non-vapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained.
  - (6) Alternate procedures to those described in Subsection 1.c (1) through (5) for limiting gasoline tank truck loadings may be used upon application to, and approval by, the Administrator.
- d. The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system. [40 CFR 60.502(f)]
  - e. The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks. [40 CFR 60.502(g)]
  - f. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in 40 CFR 60.503(d). [40 CFR 60.502(h)]
  - g. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water). [40 CFR 60.502(i)]

**2. Emission Limitations:**

- a. The emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded. [40 CFR 60.502(b)]
- b. Refer to Section D.3, *Source-Wide Limitations on Potential to Emit*.

**Compliance Demonstration Method:** A compliance test was performed on October 19, 2001, which demonstrated compliance. The test indicated a 1.5 mg/l emission rate. See Specific Testing Requirements below for compliance demonstration method after proposed testing.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****3. Testing Requirements:**

A performance test shall be conducted on the primary control device within 6 months of issuance of the final permit. The test shall be conducted using the methods and procedures specified in Section 60.503 of 40 CFR 60 Subpart XX. Tests are required for the backup control devices within 6 months of use of the backup control devices. Retain copies of test results for each emission control device.

**4. Specific Monitoring Requirements:**

- a. Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected. [40 CFR 60.502(j)]
- b. The owner or operator shall determine compliance with the standard in 40 CFR 60.502(h) as follows: [40 CFR 60.503(d)(1)]

A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with  $\pm 2.5$  mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.

**5. Specific Recordkeeping Requirements:**

- a. The tank truck vapor tightness documentation required under 40 CFR 60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection. [40 CFR 60.505(a)]
- b. The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information: [40 CFR 60.505(b)]
  - (1) Test title: Gasoline Delivery Tank Pressure Test - EPA Reference Method 27.
  - (2) Tank owner and address.
  - (3) Tank identification number.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- (4) Testing location.
  - (5) Date of test.
  - (6) Tester name and signature.
  - (7) Witnessing inspector, if any: Name, signature, and affiliation.
  - (8) Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).
- c. A record of each monthly leak inspection required under 40 CFR 60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information: [40 CFR 60.505(c)]
- (1) Date of inspection.
  - (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
  - (3) Leak determination method.
  - (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
  - (5) Inspector name and signature.
- d. The terminal owner or operator shall keep documentation of all notifications required under 40 CFR 60.502(e)(4) on file at the terminal for at least 2 years. [40 CFR 60.505(d)]
- e. As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in Subsection 5.a, c, and d of this section, an owner or operator may comply with the requirements in either Subsection 5.e (1) or (2) of this section. [40 CFR 60.505(e)]
- (1) An electronic copy of each record is instantly available at the terminal.
    - (i) The copy of each record in Subsection 5.e (1) of this section is an exact duplicate image of the original paper record with certifying signatures.
    - (ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with Subsection 5.e (1) of this section.



**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- (2) For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (*e.g.*, via a card lock-out system), a copy of the documentation is made available (*e.g.*, via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.
  - (i) The copy of each record in Subsection 5.e (2) of this section is an exact duplicate image of the original paper record with certifying signatures.
  - (ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with Subsection 5.e (2) of this section.
- f. The owner or operator of an affected facility shall keep records of all replacements or additions of components performed on an existing vapor processing system for at least 3 years. [40 CFR 60.505(f)]
- g. The permittee shall retain a copy of the most recent 40 CFR 60 Subpart XX performance test report for each control device used for compliance with the rule.

**6. Specific Reporting Requirements:**

None

**7. Specific Control Equipment Operating Conditions:**

See Operating Limitations, above.

**8. Alternate Operating Scenarios:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****EMISSION PROCESS****POINT      UNIT      NAME AND DESCRIPTION****014                      #2 Tank Truck Loading Rack (South Rack)**

Description: Two bay loading rack, top loading  
To be converted to bottom loading (anticipated 2006)

Capacity: One truck per 15 minutes (each bay, approximate)

Commenced: 1935

**01                      Distillate / Kerosene / Diesel Loading**

Controls: None

**015                      #3 Tank Truck Loading Rack (East Rack)**

Description: One bay loading rack, top loading  
To be converted to bottom loading (anticipated 2006)

Capacity: One truck per 15 minutes (each bay, approximate)

Commenced: 1935

**01                      Distillate / Kerosene / Diesel Loading**

Controls: None

**APPLICABLE REGULATIONS:**

None

**REGULATIONS NOT APPLICABLE:**

401 KAR 59:101, *New bulk gasoline plants*, and 401 KAR 61:056, *Existing bulk gasoline plants*, do not apply to loading non-gasoline products.

401 KAR 61:055, *Existing loading facilities at bulk gasoline terminals*, does not apply to loading not-gasoline products.

40 CFR 60 Subpart XX, *Standards of Performance for Bulk Gasoline Terminals*, does not apply to loading non-gasoline products.

40 CFR 63 Subpart R, *National Emission Standards for Gasoline Distribution Facilities*, does not apply to loading non-gasoline products.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**1. Operating Limitations:**

None

**2. Emission Limitations:**

Refer to Section D.3, source-wide limitation on potential to emit.

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

None

**5. Specific Recordkeeping Requirements:**

None

**6. Specific Reporting Requirements:**

None

**7. Specific Control Equipment Operating Conditions:**

None

**8. Alternate Operating Scenarios:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****EMISSION PROCESS****POINT      UNIT      NAME AND DESCRIPTION****016                      Barge Back-Loading**

Description: Back-loading into barge from storage tank  
Commenced: 1939

**01                      Gasoline Loading**  
Controls:      None**02                      Distillate / Kerosene / Diesel Loading**  
Controls:      None**APPLICABLE REGULATIONS:**

None

**REGULATIONS NOT APPLICABLE:**

401 KAR 59:101, *New bulk gasoline plants*, and 401 KAR 61:056, *Existing bulk gasoline plants*.

These rules apply to facilities that use tank trucks, trailers, or other mobile non-marine vessels for both incoming and outgoing gasoline transfers. The Covington terminal receives its gasoline supply by barge. Therefore, these rules do not apply. (Note that occasionally a tank truck loaded with gasoline or other product at the terminal is returned to the terminal for off-loading, but barge is the sole source of the terminal's gasoline supply). Also, transport vehicles regulated by these rules do not include marine vessels.

401 KAR 61:055, *Existing loading facilities at bulk gasoline terminals*, is not applicable since affected facilities regulated by the rule do not include loading into marine vessels.

40 CFR 60 Subpart XX, *Standards of Performance for Bulk Gasoline Terminals*, does not apply to marine vessel loading since the rule only applies to loading to gasoline tank trucks.

40 CFR 63 Subpart R, *National Emission Standards for Gasoline Distribution Facilities*. Per Section 63.420(a)(2) of the rule, the regulation applies only to facilities that are part of a major source of HAP emissions. The terminal is a minor HAP source, since maximum HAP emissions are significantly less than 22.5 ton/yr total HAP and 9 ton/yr individual HAP. Therefore, the rule does not apply. In addition, affected facilities regulated by the rule are racks that load into gasoline cargo tanks, which do not include marine vessels.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

40 CFR 63 Subpart Y, *National Emission Standards for Marine Tank Vessel Loading Operations*.

The marine vessel loading operations are not an affected source as defined at 40 CFR 63.561. Section 63.561 defines sources with emissions less than 10 and 25 tons to mean major sources with HAP emissions from marine tank vessel loading operations less than 10 and 25 tons. The terminal is not a major source HAP. In addition, pursuant to Section 63.560(b)(2), sources with aggregate marine tank vessel loading throughputs less than 10 million barrels of gasoline annually and less than 200 million barrels of crude oil annually are not subject to the rule.

1. **Operating Limitations:**

None

2. **Emission Limitations:**

Refer to Section D.3, source-wide limitation on potential to emit.

3. **Testing Requirements:**

None

4. **Specific Monitoring Requirements:**

None

5. **Specific Recordkeeping Requirements:**

None

6. **Specific Reporting Requirements:**

None

7. **Specific Control Equipment Operating Conditions:**

None

8. **Alternate Operating Scenarios:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Storage Tanks:**

tvp - true vapor pressure

<b>EP</b>	<b>Tank No.</b>	<b>Contents Description</b>	<b>Capacity (gal)</b>	<b>Tank Type</b>	<b>Date Com-menced</b>	<b>Applicable Rules or Exemptions</b>
001	319	Distillate/ Kerosene/ Diesel	2,239,104	Fixed roof	1940	401 KAR 61:050 Section 3(1) - floating roof
002	320	Gasoline/ Distillate/ Kerosene/ Diesel / Ethanol	1,218,672	Internal floating roof	Modified 2003	Maximum tvp < 76.6 kPa (11.1 psi) - subject to 60.112b(a)(1) controls
003	321	Gasoline/ Distillate/ Kerosene/ Diesel / Ethanol	1,326,990	Internal floating roof	1949	401 KAR 61:050 Section 3(1) - floating roof
004	322	Distillate/ Kerosene/ Diesel	3,346,059	Fixed roof	1953	401 KAR 61:050 - no requirements per Section 3(3) since max tvp < 1.5 psi
005	324	Gasoline/ Distillate/ Kerosene/ Diesel / Ethanol	1,593,480	Internal floating roof	Recon- structed 2001	Maximum tvp < 76.6 kPa (11.1 psi) - subject to 60.112b(a)(1) controls
006	327	Gasoline/ Distillate/ Kerosene/ Diesel / Ethanol	1,602,678	Internal floating roof	1989	Maximum tvp < 76.6 kPa (11.1 psi) - subject to 60.112b(a)(1) controls

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

007	328	Gasoline/ Distillate/ Kerosene/ Diesel / Ethanol	1,617,000	Internal floating roof	1989	Maximum tvp < 76.6 kPa (11.1 psi) - subject to 60.112b(a)(1) controls
008	330	Distillate/ Kerosene/ Diesel	6,006	Fixed roof	1990	Per 60.110b(a) does not apply - capacity < 75 m <sup>3</sup> (19,814 gal) 401 KAR 59:050 - no requirements per Section 3(2) since max tvp < 1.5 psi
009	331	Transmix	8,274	Fixed roof	1967	401 KAR 61:050 Section 3(3) - permanent submerged fill
010	332	Ethanol	418,236	Internal floating roof	1990	Maximum tvp < 76.6 kPa (11.1 psi) - subject to 60.112b(a)(1) controls
011	334	Distillate/ Kerosene/ Diesel	900,102	Internal floating roof	1990	Per 60.110b(b) does not apply - max tvp < 3.5 kPa (0.5 psi)
012	338	Additive	10,500	Fixed roof	1993	Per 60.110b(a) does not apply - capacity < 75 m <sup>3</sup> (19,814 gal) 401 KAR 59:050 Section 3(2) - permanent submerged fill

**APPLICABLE REGULATIONS:**

40 CFR 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*. Per Section 60.110b(a), the rule applies to storage vessels with capacities greater than 75 m<sup>3</sup> (19,800 gal) that are used to store volatile organic liquids, and that commenced after July 23, 1984. Also, Section 60.110b(b) of the rule exempts storage vessels with a capacity greater than or equal to 151 m<sup>3</sup> (39,890 gal) storing a liquid with a maximum true vapor pressure less than 3.5 kPa or with a capacity greater than or equal to 75 m<sup>3</sup> but less than 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure less than 15.0 kPa. Several tanks at the terminal are subject to the emission control requirements of the rule. These tanks use internal floating roofs to achieve compliance.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

401 KAR 59:050, *New storage vessels for petroleum liquids*. Because Kenton County was designated as ozone not-attainment, under Section 1(1) and 1(2) of the rule a tank could be subject to the rule if its capacity is greater than 580 gallons, it is used to store petroleum liquids not including fuel oils #2 - #6, gas turbine fuel oils #2GT - #4GT, and diesel fuel oils #2D - #4D, and is either:

1. Less than 40,000 gallons and commenced between April 9, 1972 and July 24, 1984.
2. Less than 10,567 gallons and commenced after July 24, 1984.
3. Greater than 40,000 gallons and commenced between April 9, 1972 and July 24, 1984.

Tanks 330 and 338, insignificant additive tanks 336, 340, 341, 343, 344, and insignificant used motor oil tank HA-1-2 fall into the second category. Under Section 3(2), any of these tanks storing liquids with a maximum true vapor pressure greater than 1.5 psi are required to have a permanent submerged fill pipe. Distillate/kerosene/diesel and used motor oil have maximum true vapor pressures well below 1.5 psi. Therefore, tanks 330 and HA-1-2 have no requirements under the rule.

401 KAR 61:050, *Existing storage vessels for petroleum liquids*. Because Kenton County was designated as ozone not-attainment, under Section 2(1) of the rule a tank could be subject to the rule if its capacity is greater than 580 gallons, it commenced before April 9, 1972, and it is used to store petroleum liquids not including fuel oils #2 - #6, gas turbine fuel oils #2GT - #4GT, and diesel fuel oils #2D - #4D.

Tanks 319, 321, 322, and 331 are subject to the rule. Under Section 3(1) of the rule, tanks with capacities greater than 40,000 gallons storing liquids with maximum true vapor pressures greater than 1.5 psi and less than 11.1 psi are required to be equipped with a floating roof. Gasoline tanks 319 and 321 are subject to these requirements. Under Section 3(3) of the rule, tanks storing liquids with a maximum true vapor pressure greater than 1.5 psi are required to have a permanent submerged fill pipe. This applies to all of the above tanks except Tank 322, since distillate/kerosene/diesel have maximum true vapor pressures well below 1.5 psi. Therefore, tank 322 has no requirements under the rule.

**REGULATIONS NOT APPLICABLE:**

40 CFR 60 Subpart K, *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978*, is not applicable since no petroleum liquid storage vessels were commenced during this date range.

40 CFR 60 Subpart Ka, *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984*, is not applicable since no petroleum liquid storage vessels with a capacity greater than 40,000 gallons were commenced during this date range.



**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****1. Operating Limitations:**

Emission Point 002 (Tank 320), 005 (Tank 324), 006 (Tank 327), 007 (Tank 328), and 010 (Tank 332)

- a. The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m<sup>3</sup> containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m<sup>3</sup> but less than 151 m<sup>3</sup> containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the alternatives listed in 40 CFR 60.112b(a). [40 CFR 60.112b(a)]

If alternative 40 CFR 60.112b(a)(1) is selected to show compliance with 40 CFR 60.112b(a), then a fixed roof in combination with an internal floating roof meeting the following specifications:

- (1) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
- (2) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:
  - (i) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.
  - (ii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.
  - (iii) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- (3) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
- (4) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
- (5) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
- (6) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
- (7) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.
- (8) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.
- (9) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

**Compliance Demonstration Method:** For compliance with 40 CFR 60.112b(a), refer to 4. Specific Monitoring Requirements, 5. Recordkeeping Requirements, and 6. Specific Reporting Requirements.

Emission Point 001 (Tank 319), 003 (Tank 321)

- b. If the storage vessel has a storage capacity greater than 151,400 liters (40,000 gallons) and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than seventy-eight (78) mm Hg (one and five-tenths (1.5) psia) but not greater than 574 mm Hg (eleven and one-tenth (11.1) psia) the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents. [401 KAR 61:050 Section 3(1)]

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- c. There shall be no visible holes, tears, or other openings in the seal or any seal fabric. [401 KAR 61:050 Section 4(1)]
- d. All openings, except stub drains, shall be equipped with covers, lids, or seals so that: [401 KAR 61:050 Section 4(2)]
  - (1) The cover, lid, or seal is in the closed position at all times except during actual use;
  - (2) Automatic bleeder vents are closed at all times, unless the roof is floated off or landed on the roof leg supports; and
  - (3) Rim vents, if provided, are set to open if the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

Emission Point 009 (Tank 331)

- e. If the storage vessel has a storage capacity greater than 2,195 liters (580 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than ten and three-tenths (10.3) kilopascal (one and five-tenths (1.5) psia), as a minimum it shall be equipped with a permanent submerged fill pipe. [401 KAR 61:050 Section 3(3)]

Emission Point 012 (Tank 338)

- f. The owner or operator of each storage vessel commenced on or after April 9, 1972 to which this administrative regulation applies shall store petroleum liquids as follows: If the storage vessel has a storage capacity greater than 2,195 liters (580 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than ten and three-tenths (10.3) kPa (one and five-tenths (1.5) psia), as a minimum it shall be equipped with a permanent submerged fill pipe. [401 KAR 59:050 Section 3(2)]

**2. Emission Limitations:**

Refer to Section D for Source-Wide Limitations.

**3. Testing Requirements:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****4. Specific Monitoring Requirements:**

Emission Point 002 (Tank 320), 005 (Tank 324), 006 (Tank 327), 007 (Tank 328), and 010 (Tank 332)

After installing the control equipment required to meet 40 CFR 60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall: [40 CFR 60.113b(a)]

- a. Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with volatile organic liquid (VOL). If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.
- b. For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in 40 CFR 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.
- c. For vessels equipped with a double-seal system as specified in 40 CFR 60.112b(a)(1)(ii)(B):
  - (1) Visually inspect the vessel as specified in Subsection 4.d of this section at least every 5 years; or
  - (2) Visually inspect the vessel as specified in Subsection 4.b of this section.
- d. Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in Subsection 4.b and c(2) of this section and at intervals no greater than 5 years in the case of vessels specified in Subsection 4.c(1) of this section.

- e. Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by Subsection 4.a and d of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by Subsection 4.d of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

**5. Specific Recordkeeping Requirements:**

Emission Point 002 (Tank 320), 005 (Tank 324), 006 (Tank 327), 007 (Tank 328), and 010 (Tank 332)

- a. Per 40 CFR 60.116b(a) and (b), the permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be maintained for the life of the vessel.
- b. Per 40 CFR 60.116b(c), the permittee shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.
- c. Per 40 CFR 60.115b(a)(2), the permittee shall keep a record of each inspection performed as required by 40 CFR 60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

**6. Specific Reporting Requirements:**

Emission Point 002 (Tank 320), 005 (Tank 324), 006 (Tank 327), 007 (Tank 328), and 010 (Tank 332)

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- a. Per 40 CFR 60.115b(a)(3), if any of the conditions described in 40 CFR 60.113b(a)(2) are detected during the annual visual inspection required by 40 CFR 60.113b(a)(2), a report shall be furnished to the Division within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.
- b. Per 40 CFR 60.115b(a)(4), after each inspection required by 40 CFR 60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in 40 CFR 60.113b(a)(3)(ii), a report shall be furnished to the Division within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of 40 CFR 61.112b(a)(1) or 60.113b(a)(3) and list each repair made.

**7. Specific Control Equipment Operating Conditions:**

None

**8. Alternate Operating Scenarios:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**017 Terminal Fugitive Equipment Leaks**

Description: Fugitive equipment leaks from pump seals, valves, connectors, etc.

Commenced: Multiple

Controls: None

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

Refer to Section D for Source-Wide Limitations.

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

None

**5. Specific Recordkeeping Requirements:**

None

**6. Specific Reporting Requirements:**

Refer to Section F.7.

**7. Specific Control Equipment Operating Conditions:**

None

**8. Alternate Operating Scenarios:**

None

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<b>EP</b>	<b>Description</b>	<b>Capacity</b>	<b>Date Commenced</b>	<b>Generally Applicable Regulation</b>
--	Tank 333 – out of service	449,736 gal	1990	Out of service
--	Additive tank (336)	1,092 gal	1989	401 KAR 59:050 Section 3(2)
--	Transmix tank (337)	294 gal	1994	None
--	Additive tank (339)	504 gal	1989	None
--	Additive tank (340)	7,896 gal	1999	401 KAR 59:050 Section 3(2)
--	Additive tank (341)	6,016 gal	2001	401 KAR 59:050 Section 3(2)
--	Additive tank (342)	294 gal	2002	None
--	Additive tank (343)	4,324 gal	2005	401 KAR 59:050 Section 3(2)
--	Additive tank (344)	4,324 gal	2005	401 KAR 59:050 Section 3(2)
--	Used motor oil tanks (HA-1-1,2)	< 1,500 each	various	None
	Maintenance degassing of trailers	NA	NA	None
--	Oil / water separators	100,000 gal/yr	1990 - 2004	None - 401 KAR 59:095 and 61:045 do not apply
--	Periodic tank cleaning	--	--	None
--	Parts washer (cold solvent degreaser)	--	--	401 KAR 59:185 Section 4
--	Vacuum trucks (mobile source for periodic maintenance)	--	--	None
--	Frac tanks (portable source for periodic maintenance)	--	--	None



**SECTION C – INSIGNIFICANT ACTIVITIES (CONTINUED)**

--	Clean burn oil/gas furnace	0.28 mmBtu/hr	--	None
--	Site general maintenance (painting, welding, cutting, aerosol can use, etc.)	--	--	None
--	Grounds maintenance (spraying, mowers, weed trimmers, etc.)	--	--	None
--	HVAC systems	--	--	None
--	Fire suppression systems	--	--	None
--	Sewer	--	--	None

## SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Total organic compounds (TOC) emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. Source-Wide Limitations on Potential to Emit

To preclude the applicability of 401 KAR 50:020, Title V permits, the total annual emissions from the source shall not exceed 90 tons per year of volatile organic components (VOC), 22.5 tons per year of total hazardous air pollutants (HAP), or 9 tons per year of an individual HAP on a rolling 12-month total emission basis.

### **Compliance Demonstration Method:**

Compliance shall be determined by calculating and recording monthly emission rates and rolling 12-month total emissions of VOC, individual HAP, and total HAP. In place of actual emission rates, the permittee may use worst-case emission rates using following equation.

- Yearly Emission Rate = [Yearly Processing Rate x Emission Factor x (1 – efficiency of control device)]

## **SECTION E – SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place (as defined in this permit), and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality[401 KAR 52:030 Section 3(1)(f)1a and Section 1a (7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.
  - d. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5 [Section 1b V(3) and (4) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
9. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
  - a. Identification of each term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality  
Florence Regional Office  
8020 Veterans Memorial Drive, Suite 110  
Florence, KY 41042

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.
12. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
    - i. The size and location of both the original and replacement units; and
    - ii. Any resulting change in emissions;
  - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
  - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
  - d. The replacement unit shall comply with all applicable requirements; and
  - e. The source shall notify Regional office of all shutdowns and start-ups.
  - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
    - i. Re-install the original unit and remove or dismantle the replacement unit; or
    - ii. Submit an application to permit the replacement unit as a permanent change.

**SECTION G – GENERAL PROVISIONS****(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a (2) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a (5) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
4. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.
5. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a (6) and (7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].

## SECTION G – GENERAL PROVISIONS (CONTINUED)

6. *The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].*
7. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a (11) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
8. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a (3) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
9. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a (12)(b) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
10. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a (9) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
11. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
12. This permit does not convey property rights or exclusive privileges [Section 1a (8) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
13. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
15. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.



## SECTION G – GENERAL PROVISIONS (CONTINUED)

16. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
17. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
  - a. Applicable requirements that are included and specifically identified in this permit; and
  - b. Non-applicable requirements expressly identified in this permit.
18. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].
19. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

**SECTION G – GENERAL PROVISIONS (CONTINUED)****(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.
  - b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.
3. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the draft permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.
6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

**(e) Acid Rain Program Requirements**

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal

## SECTION G – GENERAL PROVISIONS (CONTINUED)

Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof[401 KAR 52:030 Section 23(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 1515  
Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

## SECTION G – GENERAL PROVISIONS (CONTINUED)

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

**SECTION H – ALTERNATE OPERATIONG SCENARIOS**

None

**SECTION I – COMPLIANCE SCHEDULE**

None